

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-03-09: NATIVE DANCER – QUAIL MEADOWS TO ALLOW FOR A ONE-YEAR EXTENSION OF THE COMMENCE CONSTRUCTION DATE AND THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT “B” OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION (APN 779-02-014)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded six building allotments for application MMP-03-01: Native Dancer – Quail Meadows (two allotments for FY 2004-05, four allotments FY 2005-06); and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, on November 17, 2004, the City Council adopted Ordinance No. 1701, N.S. which approved a development agreement and established a development schedule for the six unit, custom lot development; and

WHEREAS, the applicant is requesting to amend the development agreement to allow for a one year exception to the loss of building allocation for the four, FY 2005-06 allotments; and

WHEREAS, the applicant is also requesting to amend the development schedule as found in Exhibit “B” of the development agreement to comply with Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-03-09: Native Dancer – Quail Meadows.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for a one-year extension of the commence construction date for the four, FY 2005-06 building allotments and the transfer of Sections I-IV of Exhibit B into a separate resolution.

PASSED AND ADOPTED THIS 27th DAY OF MARCH, 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT B

**DEVELOPMENT SCHEDULE MMP-03-01: NATIVE DANCER – QUAIL MEADOWS
FY 2004-05 (2 custom units), FY 2005-06 (4 custom units)**

	Currently Approved Dates	Requested Date
I. COMMENCE CONSTRUCTION:		
FY 2004-05 (2 custom units)	June 30, 2007	
FY 2005-06 (4 custom units)	June 30, 2008	<i>June 30, 2009</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-___

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT
SCHEDULE FOR APPLICATION MMP-03-01:
NATIVE DANCER – QUAIL MEADOWS WITH A
ONE-YEAR EXTENSION OF TIME (APN 779-02-014)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded six building allotments for application MMP-03-01: Native Dancer – Quail Meadows; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, on November 17, 2004, the City Council adopted Ordinance No. 1701, N.S., which approved a development agreement and established a development schedule for the six unit, custom lot development; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, in accordance with Policy PCP-06-01, the applicant is requesting to amend the development schedule to allow for a one-year exception to the loss of building allocation for the four, FY 2005-06 allotments; and

WHEREAS, the amended development schedule for application MMP-03-01: Native Dancer – Quail Meadows was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Amended Development Schedule for MMP-03-01: Native Dancer – Quail Meadows attached to this Resolution as Exhibit A.

PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

DEVELOPMENT SCHEDULE MMP-03-01: NATIVE DANCER – QUAIL MEADOWS
FY 2004-05 (2 custom units), FY 2005-06 (4 custom units)

	Currently Approved Dates	Requested Dates
I. SUBDIVISION APPLICATION Applications Filed:	August 29, 2003	
II. SITE REVIEW APPLICATION Application Filed:	November 1, 2004	
III. FINAL MAP SUBMITTAL Map, Improvements Agreement and Bonds:	July 9, 2004	
IV. BUILDING PERMIT SUBMITTAL Submit plans to Building Division for plan check: FY 2004-05 (2 custom units) FY 2005-06 (4 custom units)	June 30, 2006 June 30, 2007	<i>June 30, 2008</i>
V. BUILDING PERMITS Obtain Building Permits: FY 2004-05 (2 custom units) FY 2005-06 (4 custom units)	September 30, 2006 September 30, 2007	<i>Sept. 30, 2008</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-13: JARVIS – SOUTH VALLEY DEVELOPERS TO ALLOW FOR A SIX-MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE AND THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT “B” OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION (APNs 726-25-076 & -077)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 78 building allotments for application MP-04-22: Jarvis – South Valley Developers (36 allotments for FY 2006-07, 13 allotments for FY 2007-08, 15 allotments for FY 2008-09 and 14 allotments for FY 2009-10); and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, on September 20, 2006, the City Council adopted Ordinance No. 1791, N.S. which approved a development agreement and established a development schedule for the 78-unit development; and

WHEREAS, the applicant is requesting to amend the development agreement to allow for a six-month exception to the loss of building allocation for the 36, FY 2006-07 allotments; and

WHEREAS, the applicant is also requesting to amend the development schedule as found in Exhibit “B” of the development agreement to comply with Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-05-13: Jarvis – South Valley Developers.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for a six-month extension of the commence construction date for the 36, FY 2006-07 building allotments and the transfer of Sections I-IV of Exhibit B into a separate resolution.

**PASSED AND ADOPTED THIS 27th DAY OF MARCH, 2007, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT B

DEVELOPMENT SCHEDULE MP-04-22: Jarvis – South Valley Developers
FY 06-07 (36 allotments)/FY 07-08 (13 allotments)/
FY 08-09 (15 allotments)/FY 09-10 (14 allotments)

	Currently Approved Date	Requested Date
I. COMMENCE CONSTRUCTION:		
FY 2006-07 (36 units)	06-30-07	<i>Dec. 31, 2007</i>
FY 2007-08 (13 units)	04-30-08	
FY 2008-09 (15 units)	04-30-09	
FY 2009-10 (14 units)	04-30-10	

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-__

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT
SCHEDULE FOR APPLICATION MP-04-22: JARVIS
– SOUTH VALLEY DEVELOPERS WITH A SIX-
MONTH EXTENSION OF TIME (APNs 726-25-076 & -
077)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 78 building allotments for application MP-04-22: Jarvis – South Valley Developers (36 allotments for FY 2006-07, 13 allotments for FY 2007-08, 15 allotments for FY 2008-09 and 14 allotments for FY 2009-10); and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, on September 20, 2006, the City Council adopted Ordinance No. 1791, N.S., which approved a development agreement and established a development schedule for the 78-unit development; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, in accordance with Policy PCP-06-01, the applicant is requesting to amend the development schedule to allow for a six-month exception to the loss of building allocation for the 36, FY 2006-07 allotments; and

WHEREAS, the amended development schedule for application MP-04-22: Jarvis – South Valley Developers was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Amended Development Schedule for MP-04-22: Jarvis – South Valley Developers attached to this Resolution as Exhibit A.

PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

DEVELOPMENT SCHEDULE MP-04-22: Jarvis – South Valley Developers
FY 06-07 (36 allotments)/FY 07-08 (13 allotments)/
FY 08-09 (15 allotments)/FY 09-10 (14 allotments)

	Currently Approved Dates	Requested Date
I. SUBDIVISION AND ZONING APPLICATIONS		
Applications Filed:	11-02-05	
II. SITE REVIEW APPLICATION		
Application Filed:	09-01-06	
III. FINAL MAP SUBMITTAL		
Map, Improvements Agreement and Bonds:		
FY 2006-07 (36 units)	10-31-06	
FY 2007-08 (13 units)	07-30-07	
FY 2008-09 (15 units)	07-30-08	
FY 2009-10 (14 units)	07-30-09	
IV. BUILDING PERMIT SUBMITTAL		
Submit plans to Building Division for plan check:		
FY 2006-07 (36 units)	01-02-07	
FY 2007-08 (13 units)	08-15-07	
FY 2008-09 (15 units)	08-15-08	
FY 2009-10 (14 units)	08-15-09	
V. BUILDING PERMITS		
Obtain Building Permits:		
FY 2006-07 (36 units)	03-31-07	<i>Sept. 30, 2007</i>
FY 2007-08 (13 units)	09-30-07	
FY 2008-09 (15 units)	09-30-08	
FY 2009-10 (14 units)	09-30-09	

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.



9015 Murray Avenue
Suite 100
Gilroy CA 95020



Date: 1/30/2007

To: City Of Morgan Hill
17555 Peak Avenue, Morgan Hill, CA 95037

From: Candace Koo

RE: Madrone Plaza

For your: Records and approval

Planning Department,

Due to unanticipated delays in processing for Madrone Plaza we are requesting an extension of time for the project in order to pull building permits. Our partner, South Valley Developers, has been delayed on site improvements and we can not start construction until Jarvis Drive is complete. We anticipate on pulling the Single Family building permits as scheduled. However, we can not start construction until Jarvis Drive is complete. We also have concerns about the current market conditions and are dependent on the sales of the single family homes to help subsidize the construction of the townhomes.

Please find enclosed:

1. Uniform Application

If you have any additional questions or concerns please let me know.

Sincerely,

Candace Koo
408.843.9268

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-06-03: JARVIS – SOUTH COUNTY HOUSING TO ALLOW FOR A SIX- MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE AND THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT “B” OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION (APNs 726-25-076 & -077)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 95 building allotments for application MP-05-02: Jarvis – South County Housing (54 allotments for FY 2007-08, 41 allotments for FY 2008-09); and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, on September 20, 2006, the City Council adopted Ordinance No. 1792, N.S. which approved a development agreement and established a development schedule for the 95-unit development; and

WHEREAS, the applicant is requesting to amend the development agreement to allow for a six-month exception to the loss of building allocation for the 95, FY 2007-08 and FY 2008-09 allotments; and

WHEREAS, the applicant is also requesting to amend the development schedule as found in Exhibit “B” of the development agreement to comply with Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-06-03: Jarvis – South County Housing.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for a six-month extension of the commence construction date for the 95, FY 2007-08 and FY 2008-09 building allotments and the transfer of Sections I-IV of Exhibit B into a separate resolution.

**PASSED AND ADOPTED THIS 27th DAY OF MARCH, 2007, AT A REGULAR
MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT B

**DEVELOPMENT SCHEDULE MP-05-02: JARVIS – SOUTH COUNTY HOUSING
FY 2007-08 (54 allotments)/FY 2008-09 (41 allotments)**

	Currently Approved Dates	Requested Date
I. COMMENCE CONSTRUCTION:		
FY 2007-08 (54 units)	04-30-08	<i>Oct. 30, 2008</i>
FY 2008-09 (41 units)	04-30-09	<i>Oct. 30, 2009</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-__

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT
SCHEDULE FOR APPLICATION MP-05-02: JARVIS
– SOUTH COUNTY HOUSING WITH A SIX-MONTH
EXTENSION OF TIME (APNs 726-25-076 & -077)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 95 building allotments for application MP-05-02: Jarvis – South County Housing (54 allotments for FY 2007-08, 41 allotments for FY 2008-09); and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDSCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, on September 20, 2006, the City Council adopted Ordinance No. 1792, N.S. which approved a development agreement and established a development schedule for the 95-unit development; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDSCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, in accordance with Policy PCP-06-01, the applicant is requesting to amend the development schedule to allow for a six-month exception to the loss of building allocation for the 95, FY 2007-08 and FY 2008-09 allotments; and

WHEREAS, the amended development schedule for application MP-05-02: Jarvis – South County Housing was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Amended Development Schedule for MP-05-02: Jarvis – South County Housing attached to this Resolution as Exhibit A.

PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

**DEVELOPMENT SCHEDULE MP-05-02: JARVIS – SOUTH COUNTY HOUSING
FY 2007-08 (54 allotments)/FY 2008-09 (41 allotments)**

	Currently Approved Dates	Requested Dates
I. SUBDIVISION AND ZONING APPLICATIONS		
Zoning Application Filed:	11-02-05	
Subdivision Application Filed:	06-08-06	
II. SITE REVIEW APPLICATION		
Application Filed:	09-01-06	
III. FINAL MAP SUBMITTAL		
Map, Improvements Agreement and Bonds:		
FY 2007-08 (54 units)	04-30-07	
FY 2008-09 (41 units)	07-30-08	
IV. BUILDING PERMIT SUBMITTAL		
Submit plans to Building Division for plan check:		
FY 2007-08 (26 units)	05-15-07	
FY 2007-08 (28 units)	08-15-07	<i>Feb. 15, 2008</i>
FY 2008-09 (41 units)	08-15-08	<i>Feb. 15, 2009</i>
V. BUILDING PERMITS		
Obtain Building Permits:		
FY 2007-08 (26 units)	06-30-07	
FY 2007-08 (28 units)	09-30-07	<i>March 30, 2008</i>
FY 2008-09 (41 units)	09-30-08	<i>March 30, 2009</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

Custom One, Inc.

P O Box 1265, Morgan Hill, CA 95038

February 16, 2007

City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

PLANNING DEPT.

FEB 21 2007

CITY OF MORGAN HILL

Attention: Rebecca Tolentino

Subject: MMC-04-07: GINGER- CUSTOM ONE
(FY 2006-07; 5 allocations)

Dear Rebecca:

On November 6, 2006, Custom One, Inc. forwarded the acknowledged and notarized Development Agreement, Site Review Conditions of Approval and Subdivision Approvals to the City as directed. Since that time we have completed the Architectural Plans and Structural Engineering for the new homes to be constructed and are ready to submit to the City Building Department for Plan Check. In addition, Custom One, Inc. has secured the necessary financing for the construction of the project.

Unfortunately our Civil Engineer has been unable to complete the Improvement Plans for the project due to various personal and corporate related reasons. After numerous discussions, it has been determined that the Improvement Plans will be ready for submittal to Public Works for review and processing on or before the end of February, 2007. Knowing that the plan check for the Improvement Plans will take approximately 3 to 4 months, I find I must request an Extension of Time under our project schedule for building permits, commencement of construction and securing the necessary bonds for the project pending the final approval of the Improvement Plans

The following is a list from the Dev Schedule noting our items of completion:

Subdivision Application Filed - 07-29-05 - application filed and approved
Zoning Application Filed - 4-11-06 - NA there is no need for this application
because no change to the Zoning is needed. .

Site Review Application - Filed - 06-02-06 - application filed and approved
Final Map Submittal, Improvement Agreement and Bonds: 10-31-06 - all
pending the completion of the Improvement Plans

Final Map - Approved

Improvement Agreement - approved, signed and transmitted to the Planning
Department on November 6, 2006.

Bonds - pending Public Works approval

Building Permit Submittal - 01-02-07 - plans are complete and ready to submit for plan check. Architectural and Landscape plans have been reviewed and approved by the Arch and Site Review Board. and ready to submit for plan check

Building Permits: Obtain Building Permits: 03-31-07 - No permits issued as of this date

Commence Construction: 06-30-07 - Construction has not started as of this date.

I have noted above those items we have successfully completed to date and respectfully request your consideration of our application for an extension of time for the project.

Should you need additional information, please contact me at 847-8197.

Sincerely yours,


Gloria Pariseau
Project Manager

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-06: GINGER – CUSTOM ONE TO ALLOW FOR AN EIGHT-MONTH EXTENSION OF THE COMMENCE CONSTRUCTION DATE AND THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT “B” OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION (APNs 726-36-056 & -057)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded five building allotments for application MMC-04-07: Ginger – Custom One for FY 2006-07; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, on October 25, 2006, the City Council adopted Ordinance No. 1797, N.S. which approved a development agreement and established a development schedule for the five unit development; and

WHEREAS, the applicant is requesting to amend the development agreement to allow for an eight-month exception to the loss of building allocation for the five, FY 2006-07 allotments; and

WHEREAS, the applicant is also requesting to amend the development schedule as found in Exhibit “B” of the development agreement to comply with Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-05-06: Ginger – Custom One.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for an eight-month extension of the commence construction date for the five, FY 2006-07 building allotments and the transfer of Sections I-IV of Exhibit B into a separate resolution.

PASSED AND ADOPTED THIS 27th DAY OF MARCH, 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT B

DEVELOPMENT SCHEDULE
MMC-04-07: GINGER – CUSTOM ONE (FY 2006-07; 5 allotments)

	Currently Approved Date	Requested Date
I. COMMENCE CONSTRUCTION:		
FY 2006-07 (5 units)	June 30, 2007	<i>Feb. 29, 2008</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-__

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT
SCHEDULE FOR APPLICATION MMC-04-07:
GINGER – CUSTOM ONE WITH AN EIGHT-
MONTH EXTENSION OF TIME (APNs 726-36-056 & -
057)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded five building allotments for application MMC-04-07: Ginger – Custom One; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDSCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, on October 25, 2006, the City Council adopted Ordinance No. 1797, N.S., which approved a development agreement and established a development schedule for the five unit development; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDSCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, in accordance with Policy PCP-06-01, the applicant is requesting to amend the development schedule to allow for an eight-month exception to the loss of building allocation for the five, FY 2006-07 allotments; and

WHEREAS, the amended development schedule for application MMC-04-07: Ginger – Custom One was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Amended Development Schedule for MMC-04-07: Ginger – Custom One attached to this Resolution as Exhibit A.

PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

DEVELOPMENT SCHEDULE
MMC-04-07: GINGER – CUSTOM ONE (FY 2006-07; 5 allotments)

	Currently Approved Dates	Requested Dates
I. SUBDIVISION AND ZONING APPLICATIONS		
Subdivision Application Filed:	07-29-05	
Zoning Application Filed:	04-11-06	
II. SITE REVIEW APPLICATION		
Application Filed:	06-02-06	
III. FINAL MAP SUBMITTAL		
Map, Improvements Agreement and Bonds:	10-31-06	
IV. BUILDING PERMIT SUBMITTAL		
Submit plans to Building Division for plan check:	01-02-07	Sept. 02, 2007
V. BUILDING PERMITS		
Obtain Building Permits:	03-31-07	Nov. 30, 2007

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

Feb 22nd 2007

Planning Department
Morgan Hill CA 9037

Re; 470 San Pedro Ave. Deadline for Issuance Of Permit

This is my request to extend the deadline for issuance of building permit for the one unit located on 470 San Pedro Ave. and Cory Lance to May 15th 2007

My deadline for this part of the project was to be September 30th 2006. Per this deadline I applied to the Building Department, however my permit was not approved due to some corrections required on my plans. The most important requirement (a copy of the memorandum attached) was to provide the parcel number for the new lot. Since September 2006 we are working with Public Works to finalize the site plan showing the newly created lot. This have gone for the past six Months and I still do not have their approval. The plan has been back and forth between Morgan Hill Engineering, my Civil Engineer and them three times already.

My hope is to process this site plan through Public Works and do the recording as soon as possible. Due to heavy carrying cost of the property I have no intention to delay the development of the site any further. However due to much unexpected delays I have experienced with the approval of the site plan through the Public Works Department, I hesitate to commit to a speedy process and herein request an extension to May 15th. Certainly, I am pursuing the process and if I can acquire the building permit any sooner I will.

Rahmat BJ Ahmadi
3629 Bercaw lane San Jose CA 95124
(408) 371-2524





779 7241

Memorandum

Date: 11-3-2006
To: Mr. Ahmadi
From: Jim Fruit, Building Official
Subject: incomplete permit plans and documents submitted (#BLD2006-1130)
New home at 470 San Pedro Avenue

We cannot accept the plans submitted for permits as they are too incomplete and not accurate to show code compliance and constructability. Major issues to address are as follows:

1. See attached comments from Planning Division for inaccurate plans information relating to recent approvals by ARB and how the plans do not match or are missing information.
2. Exterior elevations should be drawn showing accurate depiction in size/scale for fireplace, chimney, roof elements at balcony (west elevation), rational gutter downspout locations (east elevation), consistent balcony projections, and correct graphics at window recess base (west elevation).
3. Site plan is not to scale, not accurate for shape consistent with civil plans, and north arrow is not accurate.
4. Cover sheet has erroneous site parcel number. Need current and accurate parcel number for the new lot.
5. Civil plans are not the approved version from Public Works, replace.
6. Site, Civil, and Landscape plans need accurate and consistent presentation for paving at walks and driveways including dimensions.
7. Floor plans are completely missing the heat/cool unit(s), clarify.
8. Need CC&R's submitted with the plans to ensure adequate provisions are included for rights, responsibilities, and obligations regarding common structure and adjoining conditions.
9. Existing home demolition requires a separate permit, note on the plans.
10. Improvement grading plans are based on a raised wood floor/foundation, structural plans show a concrete slab. Either revise the foundation type or revise grading plans to accommodate a slab floor.
11. Since the adjoining home on lot 2 will not be constructed at this time; plans are to show how the south wall will be finished including full elevation view on the plans and foundation design revised to provide an independent footing for this home.
12. Short wall on garage door side will have the electric and gas meter, reconcile structural interference.
13. Floor plans are to have dimensions for interior walls and offsets so all walls can be located. Dimension lines need to be aligned with wall surfaces. Dimensions need to be reconciled so they are accurate along length and width of the building.
14. Guard rail is required at stair opening on 2nd floor and handrails are missing on stairs. Guardrails and hand rails need to be shown in layout view, elevation view, have structural members identified, and connections detailed.

Plans will be reviewed in detail when they are complete enough for submittal

Planning Division Plan Check Comments for
BLD 2006-01130
470 San Pedro Ave.
October 26, 2006

The following information is needed:

1. The elevations need to be revised to show what was approved at the ARB.

Missing information:

- Color details and callouts
- Garage door details (decorative garage with windows)
- Brick veneer is not shown on the plans.
- Window trim callouts and color.
- Door details with callouts.
- East and the West (or backyard) elevations will need to be revised to show the front door element roof being lower than the balcony.
- Need the manufacture callouts for doors, windows, color, brick veneer etc...

Correct the Labels:

The front elevation is the north elevation

The north elevation/ backyard should be the west elevation

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-12: SAN PEDRO-AHMADI TO ALLOW FOR A TWO MONTH EXTENSION OF THE COMMENCEMENT OF CONSTRUCTION DATE AND THE TRANSFER OF THE DEVELOPMENT AGREEMENT PERFORMANCE DATES OUT OF EXHIBIT "B" OF THE DEVELOPMENT AGREEMENT AND INTO A SEPARATE RESOLUTION. (APN 817-59-052)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 1 Building allocations for MMC-04-06: San Pedro- Ahmadi; FY 2006-2007.

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, On March 1, 2006 the City Council adopted Ordinance Number 1760 which set a development schedule for the 1 building allocation award to MMC-04-06: San Pedro- Ahmadi; and

WHEREAS, the applicant is requesting to amend the approved development agreement to allow for a two month exception to the loss of building allocation for FY 2006-07; and

WHEREAS, the applicant is requesting to amend the approved development agreement to amend the development agreement schedule in Exhibit "B" to comply with Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-05-12: San Pedro- Ahmadi.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for a two month extension of the commencement of construction date for building allocation granted for FY 2006-07 the movement of Sections I-IV of Exhibit B into a separate resolution.

**PASSED AND ADOPTED THIS 27th DAY OF MARCH, 2007, AT A REGULAR MEETING
OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "B"

**DEVELOPMENT SCHEDULE MMC-04-06: San Pedro- Ahmadi
FY 2006-2007 (1 unit)**

	Currently Approved Dates	Requested Date
I. BUILDING PERMITS		
Commence Construction: FY 2006-2007 (1 unit)	June 30, 2007	<i>August 30, 2007</i>

Failure to commence construction by the date listed above shall result in the loss of building allocation. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

RESOLUTION NO. 07

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT SCHEDULE FOR
APPLICATION MMC: 04-06: San Pedro-Ahmadi (APN 817-59-
052)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.125 of the Morgan Hill Municipal Code, awarded 1 building allotments for application MMC-04-06: San Pedro-Ahmadi; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, On March 1, 2006 the City Council adopted Ordinance Number 1760 which set a development schedule for the 1 building allocation award to MMC-04-06: San Pedro- Ahmadi; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, PCP-06-01 became effective on October 25, 2006; and

WHEREAS, in accordance with Policy PCP-06-01, the applicant is requesting to amend the development schedule to allow for a 2-month exception to the loss of building allocation for the 1, FY 2006-07 allotment; and

WHEREAS, the amended development schedule for application DAA-05-012: San Pedro-Ahmadi was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

Resolution No.
Page 2

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the Development Schedule for DAA-05-12: San Pedro-Ahmadi attached to this Resolution as Exhibit A.

**PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF
THE PLANNING COMMISSION BY THE FOLLOWING VOTE:**

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

DEVELOPMENT SCHEDULE MMC-04-06: San Pedro- Ahmadi

	Currently Approved Dates	Requested Dates
I. SUBDIVISION AND ZONING APPLICATIONS Subdivision and Zoning Amendment Application Filed:	October 27, 2005	
II. SITE REVIEW APPLICATION Application Filed:	February 24, 2006	
III. FINAL MAP SUBMITTAL Map, Improvements Agreement and Bonds:	May 30, 2006	
IV. BUILDING PERMIT SUBMITTAL Submit plans to Building Division for plan check: FY 2006 -2007 (1unit)	June 30, 2006	
V. BUILDING PERMITS Obtain Building Permits: FY 2006-2007 (1unit)	September 30, 2006	May 15, 2007

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

RESOLUTION NO. 07-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT APPLICATION, DAA-05-09: DEL MONTE - GIOVANNI TO ALLOW FOR A SIX-MONTH EXTENSION OF THE COMMENCEMENT OF CONSTRUCTION DATE (APN 764-12-025)

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded six building allotments for application MMC-04-05: Del Monte – Giovanni for FY 2006-07; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System, Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, Sections 65864 through 65869.5 of the California Government Code authorizes the City of Morgan Hill to enter into binding Development Agreements with persons having legal or equitable interests in real property for the development of such property; and

WHEREAS, on January 17, 2007, the City Council adopted Ordinance No. 1815, N.S. which approved a development agreement and established a ‘commence construction’ date of June 30, 2007 for the six-unit project; and

WHEREAS, the applicant is requesting to amend the development agreement to allow for a six-month exception to the loss of building allocation for the six, FY 2006-07 allotments; and

WHEREAS, testimony received at a duly-noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF DEVELOPMENT AGREEMENT AMENDMENT. The Planning Commission hereby recommends to the City Council adoption of the Development Agreement Amendment for DAA-05-09: Del Monte - Giovanni.

SECTION 2. The Planning Commission recommends approval of the development agreement amendment as shown in the attached Exhibit A. The proposed amendment is to allow for a six-month extension of the commence construction date for the six, FY 2006-07 building allotments.

PASSED AND ADOPTED THIS 27th DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

Exhibit A

EXHIBIT "B"

**DEVELOPMENT SCHEDULE MMC-04-05: DEL MONTE - GIOVANNI
FY 2006-07 (6 allotments)**

	Currently Approved Date	Requested Date
I. COMMENCE CONSTRUCTION:		
FY 2006-07 (6 units)	06-30-2007	12-30-2007

Failure to commence construction by the date listed above shall result in the loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.

RESOLUTION NO. 07-___

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF MORGAN HILL APPROVING AN
AMENDMENT TO THE DEVELOPMENT
SCHEDULE FOR APPLICATION MMC-04-05: DEL
MONTE - GIOVANNI WITH A SIX-MONTH
EXTENSION OF TIME (APN 764-12-025)**

WHEREAS, the Planning Commission, pursuant to Chapter 18.78.380 of the Morgan Hill Municipal Code, awarded six building allotments for application MMC-04-05: Del Monte - Giovanni; and

WHEREAS, the City Council of the City of Morgan Hill has adopted Resolution No. 4028, establishing a procedure for processing Development Agreements for projects receiving allotments through the Residential Development Control System (RDSCS), Title 18, Chapter 18.78 of the Morgan Hill Municipal Code; and

WHEREAS, prior to October 25, 2006, Development Agreements incorporated a development schedule to ensure projects comply with the statutory deadlines of the RDSCS; and

WHEREAS, to extend deadlines outlined in the development schedule, a property owner/developer was required to file an application to amend the Development Agreement which required public hearings and adoption of an ordinance by the City Council; and

WHEREAS, rather than continuing to require developers to go through a legislative process to amend their development schedules, the Planning Commission adopted Policy PCP-06-01 which allows development schedules and extension of time requests to be approved and adopted by Planning Commission Resolution on consent calendar; and

WHEREAS, on December 12, 2006, the Planning Commission adopted a development schedule for the six-unit project in accordance with Commission Policy PCP-06-01; and

WHEREAS, the applicant is currently requesting to amend the development schedule to allow for a six-month exception to the loss of building allocation for FY 2006-07; and

WHEREAS, the amended development schedule for application MMC-04-05: Del Monte - Giovanni was considered by the Planning Commission at their regular meeting of March 27, 2007, at which time the Planning Commission approved the amended development schedule.

**NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES
RESOLVE AS FOLLOWS:**

SECTION 1. ADOPTION OF AMENDED DEVELOPMENT SCHEDULE. The Planning Commission hereby adopts the amended Development Schedule for MMC-04-05: Del Monte - Giovanni attached to this Resolution as Exhibit A.

PASSED AND ADOPTED THIS 27TH DAY OF MARCH 2007, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

FRANCES O. SMITH, Deputy City Clerk

ROBERT J. BENICH, Chair

EXHIBIT "A"

DEVELOPMENT SCHEDULE MMC-04-05: DEL MONTE - GIOVANNI
FY 2006-07 (6 allotments)

	Currently Approved Dates	Requested Dates
I. SUBDIVISION AND ZONING APPLICATIONS		
Subdivision Application Filed:	08-18-2005	
Zoning Amendment Application Filed:	06-30-2006	
II. SITE REVIEW APPLICATION		
Application Filed:	09-14-2006	
III. FINAL MAP SUBMITTAL		
Map, Improvements Agreement and Bonds:	01-31-2007	<i>July 31, 2007</i>
IV. BUILDING PERMIT SUBMITTAL		
Submit plans to Building Division for plan check:	03-02-2007	<i>Sept. 02, 2007</i>
V. BUILDING PERMITS		
Obtain Building Permits:	05-31-2007	<i>Nov. 30, 2007</i>

Failure to obtain building permits and commence construction by the dates listed above shall result in the loss of building allocations. Submitting a Final Map Application or a Building Permit one (1) or more months beyond the filing dates listed above shall result in the applicant being charged a processing fee equal to double the building permit plan check fee and/or double the map checking fee to recoup the additional costs incurred in processing the applications within the required time limits. Additionally, failure to meet the Final Map Submittal and Building Permit Submittal deadlines listed above may result in loss of building allocations. In such event, the property owner must re-apply under the development allotment process outlined in Section 18.78.090 of the Municipal Code if development is still desired.

An exception to the loss of allocation may be granted by the City Council if the cause for the lack of commencement was the City's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140 or extended delays in environmental reviews, permit delays not the result of developer inactions, or allocation appeals processing.

If a portion of the project has been completed (physical commencement on at least 3 dwelling units and lot improvements have been installed according to the plans and specifications), the property owner may submit an application for reallocation of allotments. Distribution of new building allocations for partially completed project shall be subject to the policies and procedures in place at the time the reallocation is requested.